

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Daniel M. Fonseca-Piraquive

Docket No. 5:14-MJ-2205-1

Petition for Action on Probation

COMES NOW Tiffany C. Peacock, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Daniel M. Fonseca-Piraquive, who, upon an earlier plea of guilty to Resist, Delay, or Obstruct, in violation of 18 U.S.C § 13, assimilating N.C.G.S 14-223 and Assault on a Law Enforcement Officer, in violation of 18 U.S.C § 111, was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge on July 9, 2015, to 12 months probation under the conditions adopted by the court.

On October 22, 2015, after the defendant tested positive for marijuana and cocaine on July 13, 2015, the court modified the conditions to include mental health counseling.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On November 09, 2015, January 08 and January 13, 2016, the defendant submitted urine specimens which tested positive for marijuana. When confronted with the results, the defendant admitted to the use of marijuana on December 31, 2015. The defendant is currently attending mental health and substance abuse counseling. We will continue to monitor his drug use through the Surprise Urinalysis Program. As a punitive sanction for this conduct, we are recommending that the defendant be required to complete 20 hours of community service. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall perform 20 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

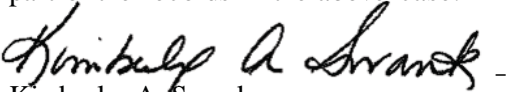
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert Britt
Robert Britt
Supervising U.S. Probation Officer

/s/ Tiffany C. Peacock
Tiffany C. Peacock
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910-354-2545
Executed On: January 25, 2016

ORDER OF THE COURT

Considered and ordered this 27th day of January, 2016 and ordered filed and made a part of the records in the above case.


Kimberly A. Swank
U.S. Magistrate Judge